



To the Honorable Council
City of Norfolk, Virginia

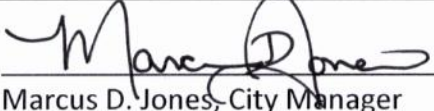
March 22, 2016

From: David Ricks, Director of Public Works

Subject: Release of a 15' drainage easement and a 15' access easement

Reviewed: 
Ronald H. Williams, Jr, Deputy City Manager

Ward/Superward: 5/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-1**

I. **Recommendation:** Public Hearing and Adopt Ordinance

II. **Applicant:** LG Capital, LLC

III. **Description:**

This agenda item is an ordinance to release two easements, a fifteen foot drainage easement and a fifteen foot access easement (the "easements"), over property located at 4621 Pretty Lake Avenue that were dedicated to the City of Norfolk (the "city") in 2012 by the previous owners in anticipation of a planned development of the property. The planned development was subsequently cancelled and the property was sold to the current owner, LG Capital, LLC ("LG Capital"). The release of the two 2012 easements is subject to the condition that the city will retain two previously existing city easements over the property.

IV. **Analysis**

- In 2012, Blandine Espejo and the Espejo Family Limited Partnership ("Espejos") proposed a development project that required the city to vacate the easements located on the Espejos' property at 4621 Pretty Lake Avenue. In exchange for the vacation of the easements the Espejos agreed to convey two new easements to the city.
- The Espejos dedicated two new easements to the city in 2012, but later abandoned their project and sold the property to LG Capital. The two previously existing city easements were never vacated by the city.
- LG Capital has requested that the city vacate the two easements dedicated to the city by the Espejos in 2012, subject to the condition that the two previously existing city easements be retained by the city, thereby returning the property to its pre-2012 condition.

V. Financial Impact

No financial impact is anticipated as a result of this ordinance. Storm water systems were not disturbed since the 2012 transaction.

VI. Environmental

No impact to the environment is anticipated as a result of this ordinance.

VII. Community Outreach/Notification

No community outreach or notification would be necessary prior to or after dealing with this ordinance.

VIII. Board/Commission Action

All plats will be filed with Norfolk Circuit Court upon approval of this ordinance.

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibits A and B

2/25/2016 - wld

Form and Correctness Approved

By Nathaniel Saman
Office of the City Attorney

Contents Approved:

By [Signature]
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

46,292

PH-1

AN ORDINANCE APPROVING THE RELEASE, SUBJECT TO A CERTAIN CONDITION, OF A FIFTEEN FOOT PERMANENT UTILITY EASEMENT AND A FIFTEEN FOOT PERMANENT ACCESS EASEMENT OVER PROPERTY OWNED BY LG CAPITAL, LLC, LOCATED AT 4621 PRETTY LAKE AVENUE IN THE CITY OF NORFOLK; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPROPRIATE DEED OF RELEASE ON BEHALF OF THE CITY.

WHEREAS, by ordinance numbered 44,609, duly adopted by the Council of the City of Norfolk at the regularly scheduled public meeting held on March 27, 2012, the Council accepted the dedication by Blandine Espejo and the Espejo Family Limited Partnership, RLLP, f/k/a Espejo Family Limited Partnership ("Espejos") of a fifteen foot permanent utility easement, shown on Exhibit A attached hereto ("2012 Utility Easement"), over a portion of their property located at 4621 Pretty Lake Avenue (the "Property"), in anticipation of the installation of a new storm water system, which easement was recorded in the Clerk's Office of the Circuit Court of the City of Norfolk on June 18, 2012, as Instrument No. 120014233; and

WHEREAS, by Ordinance numbered 44,610, duly adopted by the Council of the City of Norfolk at the regularly scheduled

public meeting held on March 27, 2012, the Council accepted the Espejos' dedication of a fifteen foot permanent access easement shown on Exhibit B attached hereto ("2012 Access Easement"), in anticipation of the installation of a new storm water system, which easement was recorded in the Clerk's Office of the Circuit Court of the City of Norfolk on June 18, 2012, as Instrument No. 120014232; and

WHEREAS, in exchange for the dedication of the 2012 Utility Easement and the 2012 Access Easement, the installation of the new storm water system in accordance with plans approved by the City, and the City's inspection and acceptance of the new storm water system, the City agreed to vacate and release two existing easements, to-wit: that certain Deed of Easement dated November 8, 1965, by and between John W. Gee and the City of Norfolk, recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, in Deed Book 1054, Page 567 ("1965 Easement"); and that certain Deed of Easement dated January 18, 1977, by and between John E. Mordica and Jean H. Mordica and the City of Norfolk, which said easement is recorded in the Clerk's Office of the Circuit Court of the City of Norfolk in Deed Book 1392, Page 65 ("1977 Easement"); and

WHEREAS, the Espejos have abandoned their plans for the project that required the installation of the new storm water system and have conveyed the Property to LG Capital, LLC; and

WHEREAS, LG Capital, LLC has requested the City to release the 2012 Utility Easement and the 2012 Access Easement; and

WHEREAS, the Department of Public Works has confirmed that the 2012 Utility Easement and the 2012 Access Easement are not needed for municipal purposes as long as the 1965 Easement and the 1977 Easement are retained by the City; and

WHEREAS, Council is agreeable to releasing to LG Capital, LLC the 2012 Utility Easement and the 2012 Access Easement upon the condition that the 1965 Easement and the 1977 Easement be retained by the City of the Norfolk; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the release of the 2012 Utility Easement and the 2012 Access Easement located on, over, and under a portion of the Property owned by LG Capital, LLC, as shown on Exhibits A and B, is hereby approved, subject to the condition that the 1965 Easement and the 1977 Easement be retained by the City of Norfolk.

Section 2:- That the City Manager and other proper officers of the City are authorized to execute and deliver to LG Capital, LLC, or to the current owner of the Property, a deed of release, in form satisfactory to the City Attorney, and to do all other things necessary and proper to effect the release of the 2012 Utility Easement and the 2012 Access Easement.

Section 3:- That this ordinance shall be in effect from and after 30 days from the date of its adoption.

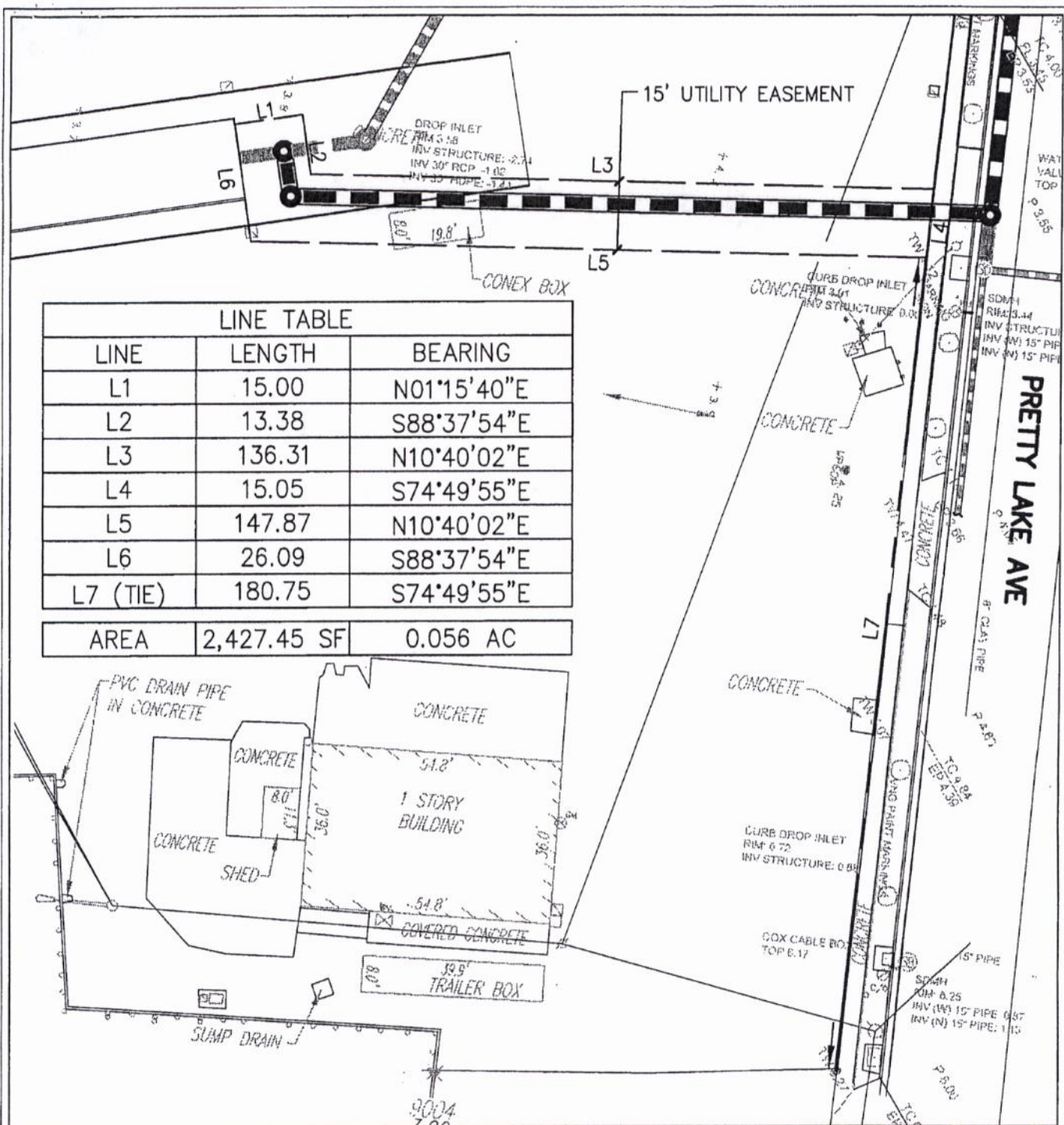
Adopted by Council March 22, 2016
Effective April 22, 2016

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

EXHIBIT A TO ORDINANCE



DWG: 02/22/2012

SCALE: 1"=30'

DATE: 02/22/2012

Bowman

CONSULTING

15' UTILITY
EASEMENT

Bowman Consulting Group, Ltd.
1561 Bradford Road, Suite 202
Virginia Beach, Virginia 23455

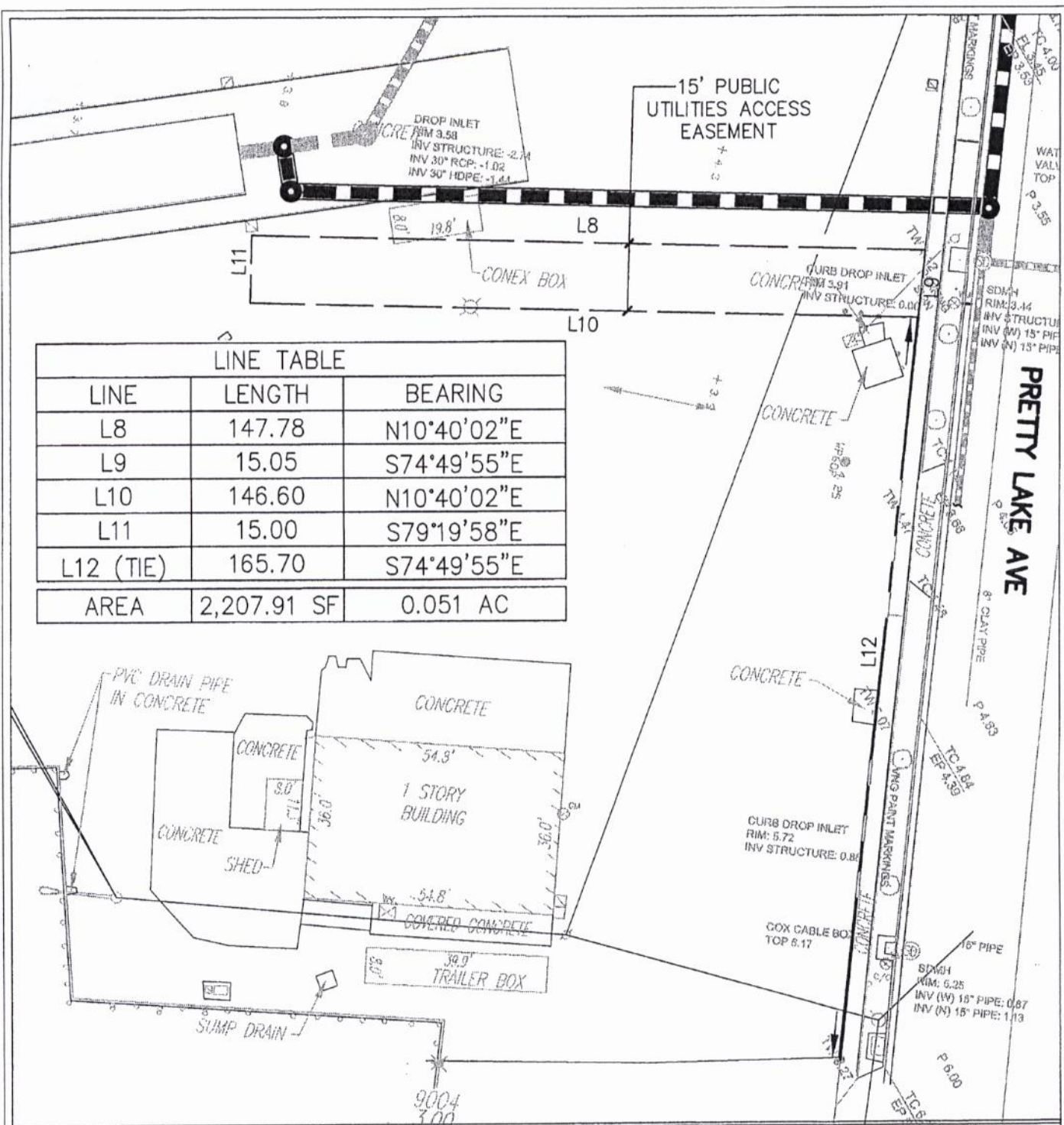
Phone: (757) 464-0622
Fax: (757) 313-9226

www.bowmanconsulting.com

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4521 PRETTY LAKE AVENUE
NORFOLK, VIRGINIA

EXHIBIT B TO ORDINANCE



DWG: EXHIBIT A

SCALE: 1"=30'

DATE: 02/22/2012

Bowman

CONSULTING

15' PUBLIC UTILITIES
ACCESS EASEMENT

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